

Remarks

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1 and 4, under 35 U.S.C. §112, ¶2, as allegedly containing vague terms; and rejected claims 1 and 4, under 35 U.S.C. §102(e) as allegedly being anticipated by Yabe '334 (U.S. Pat. No. 6,895,334). The Examiner also objected to claims 2-3 and 5-12, but indicated that the claims would be allowable if rewritten in independent form.

By this Amendment, claims 1, 2, 4, and 6-12, have been amended, claims 5 and 13 have been cancelled, and new claim 14 has been added. No new matter has been introduced. As such, claims 1-4, 6-12, and 14 are currently presented for examination of which claims 1 and 4 are independent.

Applicants submit that by virtue of the changes to the claims, the indefinite rejections of claims 1 and 4 have been overcome. Accordingly, the immediate withdrawal of the §112, ¶2 rejections is respectfully requested.

Applicants further submit that the subject matter of now-cancelled claim 5 has been incorporated in independent claim 4, effectively rewriting claim 5 into independent form. As such, claim 4 is allowable for the reasons noted by the Examiner. In addition, claims 6-12 and 14 have been amended to depend, either directly or indirectly, from claim 4. As such, claims 6-12 and 14 are allowable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the §102(e) rejections of claims 4 and 6-12 and 14 is respectfully requested.

Applicants traverse the remaining §102(e) rejections for the following reasons:

I. Rejections Under §102(e).

As noted above, independent claim 1 positively recites, *inter alia*, renewing a production state ***by renewing the production error included in the optimal value of the optical parameter*** in the production state that has been determined by the performing optimization, ***to determine a new value of the optical parameter in the production state***. These features are amply supported and described by the embodiments disclosed throughout the written description.

With this said, Applicants respectfully submit that, despite the Examiner's contentions, the asserted reference, Yabe '334, fails to suggest each and every element of claim 1 including, for example, the features identified above. In particular, the Examiner asserted that Yabe '334 discloses renewal of a production error in column 4, lines 55-62. Applicants strenuously disagree.

That is, the cited portion of Yabe '334 merely discloses that: (a) a target value of the first optical property including at least an aberration is set; and (b) automatically adjusting the first function for optimization in a manner that a value of second optical property approaches a desired target value of the second optical property on the basis of an evaluation result of the optical system on the second optical property.

In so doing, Yabe '334 fails to suggest a production error – much less, renewing a production state ***by renewing the production error included in the optimal value of the optical parameter*** in the production state that has been determined by the performing optimization, ***to determine a new value of the optical parameter in the production state***, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is clearly patentable over the asserted reference. And, because claims 2-3 depend from claim 1, claims 2-3 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the §102(e) rejections is respectfully requested.

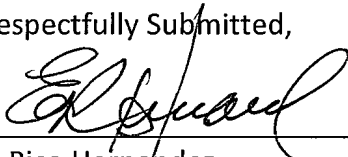
Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully Submitted,

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